

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 6, 8 and 31 have been canceled without prejudice or disclaimer, claims 1, 7 and 24 have been amended, and new claim 32 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-5, 7, 9-13, 24-30 and 32 are under consideration. Claims 14-23 are withdrawn. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendments of claims 1 and 24 put this application into condition for allowance as suggested by the Examiner;

(c) the amendment were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(d) the amendments of claims 1 and 24 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(e) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at page 2, claims 1, 3-7, 9, 24-27 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese reference 2001-091143 in view of Rivalto. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claims 6 and 8 as suggested by the Examiner on page 3 of the Office Action; claims 6 and 8 have been cancelled without prejudice or disclaimer.

Thus, amended claim 1 is submitted to be in allowable form under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto. Since claims 3-5, 7, and 9 depend from amended claim 1, claims 3-5, 7, and 9 are submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto for at least the reasons that amended claim 1 is submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto.

Independent claim 24 has been amended to include the features of claim 31 as suggested by the Examiner on page 3 of the Office Action; claim 31 has been cancelled without prejudice or disclaimer.

Thus, amended claim 24 is submitted to be in allowable form under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto. Since claims 24-27 and 30 depend from amended claim 24, claims 24-27 and 30 are submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto for at least the reasons that amended claim 24 is submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto.

B. In the Office Action, at page 3, claims 10-13 and 28-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claims 6 and 8 as suggested by the Examiner on page 3 of the Office Action; claims 6 and 8 have been cancelled without prejudice or disclaimer.

Thus, amended claim 1 is submitted to be in allowable form under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and

further in view of Maeda. Since claims 10-13 depend from amended claim 1, claims 10-13 are submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda for at least the reasons that amended claim 1 is submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda.

Independent claim 24 has been amended to include the features of claim 31 as suggested by the Examiner on page 3 of the Office Action; claim 31 has been cancelled without prejudice or disclaimer.

Thus, amended claim 24 is submitted to be in allowable form under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda. Since claims 28-29 depend from amended claim 24, claims 28-29 are submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda for at least the reasons that amended claim 24 is submitted to be allowable under 35 U.S.C. §103(a) over Japanese reference 2001-091143 in view of Rivalto as applied to claim 1 above, and further in view of Maeda.

CLAIMS OBJECTED TO:

In the Office Action, at page 3, claims 8 and 31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 has been amended to include the features of claims 6 and 8 as suggested by the Examiner; claims 6 and 8 have been cancelled without prejudice or disclaimer. Thus, amended claim 1 is submitted to be in allowable form.

Independent claim 24 has been amended to include the features of claim 31 as suggested by the Examiner; claim 31 has been cancelled without prejudice or disclaimer. Thus, amended claim 24 is submitted to be in allowable form.

NEW CLAIM:

New claim 32 recites that the features of the present invention include a user-interactive refrigerator having a cooling compartment comprising: a biometric user recognition device; and a health information device, reading, storing and displaying: a pulse frequency, a blood sugar level, a body weight of a present user, or a combination of at least two thereof and corresponding stored food item data.

Nothing in the prior art teaches or suggests such. It is submitted that this new claim, which is different from prior filed claims, distinguishes over the prior art.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

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